UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,900	06/28/2006	Inga-Lill Solberg	19200-000055/US	6920

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EXAMINER
JIANG, YONG HANG

ART UNIT	PAPER NUMBER
2612	

MAIL DATE	DELIVERY MODE
02/07/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/552,900	SOLBERG ET AL.
	Examiner	Art Unit
	YONG HANG JIANG	2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>22 December 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

       Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

       NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

   <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Brian A Zimmerman/
Supervisory Patent Examiner, Art Unit 2612

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues on the last paragraph of page 13 that the process in Horwitz is an entirely analog analysis such that Horwitz does not disclose the recited analog to digital conversion or analysis of the resultant digital signal. The examiner respectfully disagrees. Horwitz discloses the received signals are converted to digital signals in the air interface stage 31 and the data interface 32 (See Figures 4(a) to 4(b) and Col. 9, line 16 to Col. 10, line 20) the analog to digital conversion performed by the circuit components depicted in Figures 4(a) and 4(b).

Applicant next argues on the first paragraph of page 14 that Horwitz never states that its microprocessor in control module 11 is used in pulse shaping or protocol identification. The examiner respectfully disagrees. Horwitz specifically discloses on col. 10, lines 18-20 that the received pulses are processed by a data protocol decoder in the data interface and protocols stage 34 of the interrogator control module 11.

Applicant further argues on the first paragraph of page 14 that the pulses are probably converted to digital signals in later application interface stage 36 in Horwitz, where the microprocessor is located. The examiner respectfully disagrees. As indicated above, the received signals are converted to digital signals in the air interface stage 31 and the data interface 32 (see col. 9, lines 16-19), not application interface stage 36.

Applicant further argues from the last paragraph of page 14 to the first paragraph of page 15 that there is no digital functions present in Horwitz for "identifying, with a digital processor, which transponder signaling protocol of the plurality of transponder signaling protocols was used…the identifying being based on the first digital signal." The examiner respectfully disagrees. As shown in col 8, lines 7-30 of horwitz, the FPLD is programmed to accept the data rates and protocols available on the various types of tags 2, 4, 6 or 8. Furthermore, as shown in col. 10, lines 32-35, the programmed microprocessor performs code checking and CRC decoding to select the tag data stream which does not have any code violtations and a successful CRC result, which demonstrates digital signal processing done by the microprocessor.

Applicant argues on the last paragraph of page 15 that Horwitz does not perform an analog to digital conversion to determine transmission protocol as recited in the claims. The examiner respectfully disagrees. As shown in col 8, lines 7-30 of horwitz, the FPLD is programmed to determine transmission protocol after the analog to digital conversion is performed by air and data interfaces (31 and 32).